

Boone County Board of Zoning Appeals
April 24, 2013 – 7:00 p.m.
Lamar Meeting Room-Boone County Government Building

Members attending: Sharon Walker, Alan Wilhoite and June Nickels

Members absent: Terry Brandenburg and Clinton Taylor

Staff attending: Rachel Cardis, Bob Clutter and Carla Hedrick

A. Administrative Issues

1. June Nickels opened the meeting at 7:00 p.m. by welcoming everyone and leading the pledge of allegiance. Then introductions were made.
2. Determination of Quorum: 3 of 5 members present. Bob Clutter clarified that any vote would need to be unanimous or continued to the next meeting. Each petitioner has the choice to proceed or table until the next meeting for a full board. Each petitioner to move forward this evening.
3. Approval of Minutes for March 27, 2013: These will be carried to next month as we do not have a quorum of members present from that meeting.
4. Approval of Agenda: No changes to the agenda

B. Old Business Public Hearings

None at this time

C. New Business Public Hearings

1. 13MA-7-034 Mark & Jo Carol Thompson; Special Exception
Rachel Cardis read the staff report.
Jo Carol Thompson came forward and stated Rachel said it all. They would like to build a home on this site. No one else came forward. June Nickels closed the public hearing and opened it to the board for discussion.
Alan Wilhoite made a motion to accept (approve) 13MA-7-034 with the following conditions: 1) applicant shall sign a Right to Farm agreement; 2) applicant shall sign a County Drainage agreement; 3) applicant shall show a 40' agricultural buffer zone which borders agricultural practices; and 4) the ILP is subject to final TAC approval. Sharon Walker seconded the motion. Motion carried 3-0. (All the criteria for evaluation of a special exception have been met and are stated in the staff report.)
2. 13MA-7M-035 Harold & Kaye Stark; Stark Minor; Special exception with Minor Plat
Rachel Cardis read the staff report.
Harold Stark came forward to present the request. No one else came forward. June Nickels closed the public hearing and opened it to the board.

Rachel Cardis commented that lot 1 is the one Mr. Stark would like to build on; that there is an existing home on lot 2; and that lot 3 is a non-buildable lot due to it being in a legal drain. She stated there are some grammatical corrections to be made to the plat dedication certificate. Sharon Walker asked what grammatical corrections? Rachel and Bob clarified that on the plat dedication certification statement that #10 would have some changes. The changes state again that lot 3 is a non-buildable lot. Bob asked Mr. Stark if he knows the person who lives on lot 2 and if they have some agreement about the shared pond. Mr. Stark responded that he and the owner of lot 2 already have a contract in place about the shared pond and maintenance of it. Sharon Walker made a motion to approve 13MA-7M-035 with the following conditions: 1) the applicant shall sign a Right to Farm agreement; 2) applicant shall sign a County Drainage agreement; 3) all lots receive final TAC approval prior to the ILP issuance; 4) applicant must receive final approval of revised soil borings by the Boone County Health Department prior to the APC public hearing for the minor plat; 5) applicant shall provide a formalized drainage plan which is approved by the Boone County Surveyors Office prior to the public hearing for the APC final minor plat approval; and 6) the property owned by Robert Clayton (5.67 acres) will not be subject to the Covenants, Conditions, and Restrictions of the Stark Minor Plat, specifically, found on the Dedication Certificate of the Plat. The property is non-buildable based on the fact, the entire 5.67 acres is located in the Neill Legal Drainage Easement. No future residential structures will be approved by the APC, regardless if there is a change in property ownership. Alan Wilhoite seconded the motion. Motion carried 3-0. (All criteria for evaluation for a special exception with a minor plat have been met and are stated in the staff report.)

D. Reports, Resolutions, Communications & General Discussion
None at this time

With no further business, Alan Wilhoite made a motion to adjourn at 7:20 p.m. The motion was seconded by Sharon Walker. Motion carried 3-0.